

Exhibit 1

GOVERNMENT
EXHIBIT

304

2/21/01 Ned

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AKF 974-504887

CS. 10/10/00 school 8527901

A. Khadija 00491718488042

ALIDERE 223159

Ahmed West 8528445/3435552

Ahmed Hilali 40702

Ali Gap 216426/712453 nm

336058 Fax

Acharia Travel (sangita) 220960/

Mob. Karin 0811325331

Adam Ali Al-dullah (mp) 506153

Ahmed Younis 501319/60

Ahmed Khadija 119-72281272

Abdul Wahab 3182338283

P.O. Box 51965. La. La. 70505

Air E. Africa (cap. Kariski) 242320

Ahmed (Damas) 9631166 21178

Airport info. 822111

Adly (Dr.): 4973188199/399/88200 Fax

Al-dullahi Al-di 252778/332383 ext. 34536

Ashraf (Mwanza) 06841253

Ahmed Fofana ^{stone} 603007

Alm Alintaz 85228159765 office

Aladi (Inspector) 802733 ext 270
Alwuladiz Hilali 068-4070 2/4 2268
(952) 25412724 hm
28159760 28159768 Fx
Angela 61398678002
98200280
Abdul Rahman Kasim 071 208051
ABU KIFAH FAX 85224165183
Al-Rajhi Saleh 966431 7412
A.H. Bakair Box 17447
A. Hasan 541968 / 542046
AWISH (Printing) 215345
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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x

4 UNITED STATES OF AMERICA

5 v. S(7) 98 Cr. 1023

6 USAMA BIN LADEN, et al.,

7 Defendants.

8 -----x

9 New York, N.Y.
10 February 21, 2001
11 9:45 a.m.

12 Before:

13 HON. LEONARD B. SAND,

14 District Judge

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1072

1 APPEARANCES

2 MARY JO WHITE
3 United States Attorney for the
4 Southern District of New York

BY: PATRICK FITZGERALD

KENNETH KARAS

PAUL BUTLER

Assistant United States Attorneys

ANTHONY L. RICCO

EDWARD D. WILFORD

CARL J. HERMAN

Attorneys for defendant Mohamed Sadeek Odeh

FREDRICK H. COHN

DAVID P. BAUGH

Attorneys for defendant Mohamed Rashed Daoud Al-'Owhali

DAVID STERN

DAVID RUHNKE

Attorneys for defendant Khalfan Khamis Mohamed

SAM A. SCHMIDT

JOSHUA DRATEL

KRISTIAN K. LARSEN

Attorneys for defendant Wadih El Hage

1075

(Trial resumed)

(Pages 1073-1074 filed under seal)

(Recess)

(In open court; jury not present)

THE COURT: I have reviewed the redactions in the

3500 material for Agent Coleman and have found the redactions

to be appropriate. I had one or two questions which I have

discussed with Mr. Karas and I am satisfied that the

redactions are appropriate.

10 Anything else before the jury is brought in? Bring

11 in the jury.

12 This is the only case in the history of this
13 courthouse that starts earlier than scheduled. The next
14 witness may take the stand.

15 MR. KARAS: Judge, first we are going to do CNN.

16 THE COURT: You don't need a witness for that?

17 MR. KARAS: No.

18 MR. COHN: Does your Honor know anything further
19 about the juror's funeral plans?

20 THE COURT: No, he was going to let the marshal know,
21 and I have been advised all sorts of things, but not of that.

22 It gets shown on this?

23 MR. FITZGERALD: Yes.

24 THE COURT: Mr. Wilford, I was just wondering about
25 Thursday a week, whether there is any possibility for it to be

1076

1 scheduled so that someone else could be covering and the trial
2 could go forward even in your absence.

3 MR. WILFORD: I think that would be possible -- yes.

4 THE COURT: There are so many reasons to adjourn. I
5 regret, for example, because Norman Ostrow was a friend and
6 worked with me on the Committee on Jury Studies which I made
7 reference to. I really want to have a very restricted view on
8 when we adjourn. A juror is scheduling his mother's funeral
9 so as not to interfere with the trial.

10 (Jury present)

11 THE COURT: Good morning, ladies and gentlemen.

12 JURORS: Good morning.

13 THE COURT: I have been presented with a stipulation.
14 You recall a stipulation is an agreement among counsel, and
15 the stipulation which is Government's Exhibit 33, reads:

16 It is hereby stipulated and agreed by and between the
17 United States of America and all counsel:

18 1. Government's Exhibit 80 is an authentic copy of a
19 videotape of an interview conducted by representatives from
20 CNN with Usama Bin Laden in Afghanistan on March 20, 1997.
21 Portions of the interview aired on CNN on May 10, 1997 and a
22 transcript of the entire interview later appeared on the CNN
23 Web site.

24 2. Exhibit 80-T is a fair and accurate translation
25 of the interview that is depicted on Government's Exhibit 80.

1077

1 It is signed by all counsel in the case.

2 MR. KARAS: Your Honor, at this time we would offer
3 both the stipulation and Government's Exhibits 80 and 80-T,
4 and propose that we play the video.

5 THE COURT: So Exhibit 33, the stipulation, and
6 Exhibit 80 and 80T are received in evidence.

7 (Government's Exhibits 33, 80 and 80T received in
8 evidence)

9 THE COURT: You may play the tape.

10 MR. KARAS: Thank you, your Honor.

11 (Videotape played)

12 THE COURT: All right, that concludes the playing of
13 that exhibit. The government may call its next witness.

14 MR. KARAS: Yes, Judge. The government calls Special
15 Agent Daniel Coleman.

16 (Continued on next page)

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1078

1 DANIEL COLEMAN,
2 called as a witness by the government,
3 having been duly sworn, testified as follows:
4 DIRECT EXAMINATION
5 BY MR. KARAS:
6 Q Good morning.
7 A Good morning.
8 Q Can you tell us how you are employed.
9 A I am a special agent with the Federal Bureau of
10 Investigation.
11 Q Is that here in New York City?
12 A Yes, it is.
13 Q Were you a special agent with the FBI on August 21, 1997?
14 A Yes, I was.
15 Q Can you tell the jury where you were on August 21, 1997.
16 A Nairobi, Kenya.
17 Q What reason were you in Nairobi, Kenya?
18 A I was there to assist and participate in the search of a
19 house office in Nairobi.
20 Q What was the specific address of that location?
21 A 1523 Fedha Estates, Nairobi, Kenya.

22 (Continued on next page)
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1079

1 Q And what was your understanding of who was using that
2 location?

3 A It was used by --

4 MR. DRATEL: Objection, your Honor, to the form of
5 the question.

6 THE COURT: Excuse me?

7 MR. DRATEL: Objection to the form of the question,
8 using the premises.

9 THE COURT: Restate it.

10 Q What was your understanding of who was either working out
11 of that location or living at that location?

12 A Wadih El Hage, among others.

13 Q Who else was participating in the search?

14 A Kenyan government officials.

15 Q And did the search take place on that day?

16 A Yes, it did.

17 Q What time of day did the search begin?

18 A Approximately 4:30 in the afternoon.

19 Q And when you and Kenya officials went to that location
20 were there people inside?

21 A Yes, there were.

22 Q Can you describe the first room of the location at 1523
23 Feda Estates?

24 A The main door to the house is located towards the center
25 of the house on the porch. As you walk into the house and you

1080

1 enter a room that is apparently being used as an office.

2 There is two desks within the room. There is a desk directly

3 beyond the door, which is facing sideways, facing out, and

4 there is a desk to the back facing directly towards the door

5 towards the back entrance. The desk is located towards the

6 back entrance of the room.

7 Q Were there any telephones in that room?

8 A Yes, there were.

9 Q Where were they?

10 A The telephone was located on the rear desk in the back of

11 the room.

12 Q Now, Agent Coleman, were any items seized from that first

13 room that you just described?

14 A Yes. A laptop computer, an Apple laptop computer, some

15 manuals that go along with the computer, some address books,

16 some notebooks, date planner --

17 MR. KARAS: Your Honor, may I approach the witness?

18 THE COURT: Yes.

19 Q Agent Coleman, I placed before you what has been marked

20 for identification as Government Exhibit 300 and ask you to

21 take a look at that.

22 A Yes.

23 Q Can you tell us what that is?

24 A It's a McIntosh Power Book 140.

25 Q And is that the computer that was taken from that first

1081

1 room at the location of the search?

2 A Yes, it is.

3 Q Is it in substantially the same condition as when you

4 first saw?

5 A Yes, it is.

6 MR. KARAS: Your Honor, we offer Government Exhibit

7 300.

8 THE COURT: Received.

9 (Government's Exhibit 300 received in evidence)

10 MR. KARAS: May I approach the witness, your Honor?

11 THE COURT: Yes.

12 Q Agent Coleman, I placed before you what have been marked
13 for identification as Government Exhibit 304, 305, 306, 307,
14 and 309.

15 A Yes.

16 Q Will you start with 304 and tell us what that is?

17 A It's a metal, it's called a phone index. It pops up based
18 upon the letter that you go to.

19 Q Is that one of the items that was taken from that first
20 room?

21 A Yes, it is.

22 Q Is it in substantially the same condition as when you
23 first saw it?

24 A Yes, it is.

25 Q With respect to Government Exhibit 305, can you tell us

1082

1 what that is?

2 A This is a black planner diary, like a date planner.

3 Q And is that also one of the items that was taken from the
4 first room?

5 A Yes, it is.

6 Q Is it in substantially the same condition?

7 A Yes, it is.

8 Q Now, would you tell us what exhibit 306 is, please?

9 A 306 is a holder for business cards.

10 Q What color is it?

11 A Black.

12 Q And Government Exhibit 307?

13 A It's a similar item except it's labeled name card holder
14 and it's blue.

15 Q And 308?

16 A Again, it's a similar item but there one is tan in color
17 green on the inside called a business card file and it
18 contains business cards.

19 Q Do the two previous exhibits contain business cards as
20 well?

21 A Yes, they do.

22 Q Finally, can you tell us what Government Exhibit 309 is?

23 A 309 is a item called a Jambo Diary from 1997 and it's a
24 daily planner.

25 Q Were all of those items seized in that first room at Feda

1083

1 Estates?

2 A Yes, they were.

3 Q Are they in substantially the same condition as when you
4 first saw them?

5 A Yes, they are.

6 MR. KARAS: Your Honor, we offer Government Exhibits
7 304 through 309.

8 THE COURT: Yes, received.

9 (Government's Exhibits 304 through 309 received in
10 evidence)

11 Q Agent Coleman --

12 MR. BAUGH: Your Honor, 304 through 309, but there
13 was no mention of 308. 308 is not admitted.

14 MR. KARAS: I apologize, that's correct.

15 THE COURT: So it's 304, 5, 6, 7 and 9 are received.

16 MR. KARAS: Yes.

17 Q Agent Coleman, was there any other computer equipment that
18 was seized during this search?

19 A Yes, there was.

20 Q Can you tell us where that equipment was found?

21 A There is a bedroom in the house located directly adjacent
22 to the front room. The other items were located on the top
23 shelf of a closet within the bedroom directly next to the door
24 into the bedroom.

25 Q Will you tell us what these items were?